



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEDGEYE RISK MANAGEMENT, LLC,

Plaintiff,

- against -

DARIUS DALE, et al.

Defendants.
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21-CV-3687 (ALC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the issues raised by Defendants at Dkt. 297.

1. Defendants' motion to compel as to Request for Production 53 is granted insofar as Plaintiff must produce documents sufficient to show the amount of money spent on research and development of the alleged trade secrets at issue in this case, and the items on which that money was spent. The fact that Hedgeye may not have an existing "deliverable document" of a particular type is not a basis for failing to comply. Hedgeye need not create data or information that does not exist; but Hedgeye must produce responsive data or information that exists within Hedgeye's electronic data systems. If no such information or data exists, then there is nothing to produce.

2. Defendants' motion to compel as to Lamar Interrogatory No. 15 is denied, without prejudice, as moot in light of Hedgeye's representation in Dkt. 313 that it will supplement its response to the interrogatory.

3. Defendants' motion to quash the Google subpoena is granted. The subpoena is grossly overbroad and not proportional to the needs of the case.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: July 21, 2022
New York, New York

Copies transmitted this date to all counsel of record.